I. AMENDMENT

In the Claims:

Please amend claims 1, 6 and 7 by replacing them with the following substitute claims. Please add new claim 16.

1. (Amended) A method for enhancing the expression of a transgene comprising:

(a) contacting a target cell with a DNA-damaging agent; and

(b) transferring said transgene into said target cell between about 1-4 days after said damaging agent.

6. (Amended) The method of claim 1, wherein said DNA-damaging agent is selected from the group consisting of cisplatin, carboplatin; VP16, teniposide, daunorubicin, doxorubicin, dactinomycin, mitomycin, plicamycin, bleomycin, procarbazine, nitrosourrea, cyclophosphamide, bisulfan, melphalan, chlorambucil, ifosfamide, merchloroethamine, and ionizing radiation.

7. (Amended) The method of claim 1, wherein said transgene is transferred at about 2 days after contacting said target cell with said DNA-damaging agent.

16. (New) The method of claim 1, wherein said DNA-damaging agent is removed from said cell and wherein said transgene is transferred into said target cell between about 1-3 days after removing said DNA-damaging agent.

II. RESPONSE TO ELECTION OF SPECIES REQUIREMENT

A. State of the Claims

Claims 1-15 were pending in the application at the time of the Request for Response to Species Election. Claims 1, 6 and 7 have been amended in the Amendment submitted herewith. New claim 16 has been added in the Amendment submitted herewith. Therefore, claims 1-16 are presently pending. For the convenience of the Examiner, Appendix A is attached containing a marked-up version of the amended claims, and Appendix B is attached hereto containing a clean set of the pending claims.

B. Species Election

In response to the election of species requirement which the Examiner imposed, Applicants elect to have the claims examined in the context of cisplatin (claim 6) and viral infection (claim 8).

The Examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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Date: December 18, 2002

APPENDIX A
Claim Amendments

1. (Amended) A method for enhancing the expression of a transgene comprising:

(a) contacting a target cell with a DNA-damaging agent;

[(b) removing said DNA damaging agent from said target cell;] and

(b) [(c)] transferring said transgene into said target cell between about 1- 4 [3] days after [removing] contacting said target cell with said DNA damaging agent.

6. (Amended) The method of claim 1, wherein said DNA-damaging agent is selected from the group consisting of cisplatin, carboplatin; VP16, teniposide, daunorubicin, doxorubicin, dactinomycin, mitomycin, plicamycin, bleomycin, procarbazine, nitrosourrea, cyclophosphamide, bisulfan, melphalan, chlorambucil, ifosfamide, mechloroethamine [merchloroehtamine], and ionizing radiation.

7. (Amended) The method of claim 1, wherein said transgene is transferred at about 2 days after contacting said target cell with [removing] said DNA-damaging agent.

16. (New) The method of claim 1, wherein said DNA-damaging agent is removed from said cell and wherein said transgene is transferred into said target cell between about 1-3 days after removing said DNA-damaging agent.

APPENDIX B
Pending Claims

1. A method for enhancing the expression of a transgene comprising:

(a) contacting a target cell with a DNA-damaging agent; and

(b) transferring said transgene into said target cell between about 1- 4 days after contacting said target cell with said DNA damaging agent.

2. The method of claim 1, wherein said target cell is a dividing cell.

3. The method of claim 2, wherein said target cell is a tumor cell.

4. The method of claim 3, wherein said tumor cell is cisplatin sensitive.

5. The method of claim 3, wherein said tumor cell is cisplatin insensitive.

6. The method of claim 1, wherein said DNA-damaging agent is selected from the group consisting of cisplatin, carboplatin; VP16, teniposide, daunorubicin, doxorubicin, dactinomycin, mitomycin, plicamycin, bleomycin, procarbazine, nitrosourrea, cyclophosphamide, bisulfan, melphalan, chlorambucil, ifosfamide, merchloroehtamine, and ionizing radiation.

7. The method of claim 1, wherein said transgene is transferred at about 2 days after contacting said target cell with said DNA-damaging agent.

8. The method of claim 1, wherein said transfer of said transgene is accomplished by a technique selected from the group consisting of liposome-mediated transfection, receptor-mediated internalization and viral infection.

9. The method of claim 1, wherein said transgene is a tumor suppressor.

10. The method of claim 9, wherein said tumor suppressor is p53.

11. The method of claim 10, wherein said p53 transgene is under the transcriptional control of a promoter.

12. The method of claim 11, wherein said promoter is the CMV IE promoter.

13. The method of claim 12, wherein said transgene is regulated by a polyadenylation signal.

14. The method of claim 13, wherein said polyadenylation signal is an SV40 polyadenylation signal.

15. The method of claim 14, wherein said p53 transgene is carried in an adenoviral vector.

16. The method of claim 1, wherein said DNA-damaging agent is removed from said cell and wherein said transgene is transferred into said target cell between about 1-3 days after removing said DNA-damaging agent.